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September 11, 2009

VIA ECF

Honorable Michael A. Shipp, Magistrate
United States District Court
District of New Jersey
M.L. King, Jr. Federal Building & Courthouse
50 Walnut Street
Newark, NJ 07102

Re: Weber, Joseph v. Atlantic Zeiser, Inc.
Civil Action No. : 08-CV-00977 (DRD/MAS)
Our File No. : 512.21533/JSM

Dear Judge Shipp:

This office represents defendant, Atlantic Zeiser, Inc. Defendant is in receipt of plaintiff's letter of September 10, 2009 received at approximately 5:30 p.m. Defendant writes this brief letter to advise the Court of its position with respect to the deposition of Klaus Oesch. As the Court is aware, a Conference is scheduled before Your Honor on September 14, 2009 at 10:00 a.m.

Defendant asserts that it is not required to produce Klaus Oesch for deposition. Mr. Oesch is not an employee of Atlantic Zieser, Inc. He is the Chairman of the Board of Orell Fussli, the ultimate parent corporation of Atlantic Zeiser, Inc. In addition, defendant previously advised plaintiff that it would not be producing Klaus Oesch during meet and confer session prior to the entry of the most recent July 7, 2009 Discovery Order. That Order specifically provided that any discovery disputes were to be brought to the Court's attention by July 14, 2009. Plaintiff failed to do so. Instead, plaintiff sent a notice out dated August 28, 2009 scheduling Mr. Oesch's deposition for September 10, 2009. As the plaintiff is aware, Mr. Oesch is a German national. Contrary to Mr. Gilly's statements, plaintiff has not requested any information as to Mr. Oesch's schedule in the United States. In fact, the first time I had a conversation regarding Mr. Oesch's presence in the United States was a conversation I had with Ari Graff on September 8, 2009. At that time, I advised that I was not aware of Mr. Oesch's schedule.

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To date, defendant has produced the CEO (Tom Coco) and CFO (Mike Raimondo) of Atlantic Zeiser for deposition. Those depositions both lasted the full seven hours permitted under Federal Rules of Civil Procedure. Additionally, defendant produced four different employees of Atlantic Zeiser for depositions. As courtesy for both plaintiff's counsel and the employees, defendant did not require those employees to be subpoenaed, but instead produced them voluntarily. Those depositions, for the most part lasted the full seven hours permitted.

Defendant has produced over 6,000 pages of written discovery. Defendant has worked diligently to produce this discovery to avoid burdening the Court over paper discovery issues.

Mr. Coco testified in his deposition that he was solely responsible for the decision to terminate Mr. Weber's employment. Defendant asserts that the plaintiff's attempt to conduct a deposition of a Chairman of the Board of Orell Fussli is harassing.

At the September 14, 2009 Conference, defendant will seek permission from the Court to file a more formal application opposing the plaintiff's request to have defendant produce Klaus Oesch for deposition. In addition, defendant intends to bring to the Court's attention, the plaintiff's failure to produce any statements from any party or witness to this litigation, plaintiff's failure to submit payment to the Mediator for the share of Mediation services, failure to pay for the interpreter required for the deposition noticed by the plaintiff of one of defendant's employees.

Respectfully submitted,

/s/ Peter Cipparulo, III

PETER CIPPARULO, III

PC:dt

cc: Ari Graff, Esq./Thompson, Wigdor & Gilly, LLP

cc: Scott Gilly, Esq./Thompson, Wigdor & Gilly, LLP